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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,789	02/05/2000	Natarajan Ramachandran	D-1096 CIP	9304

28995 7590 01/29/2003

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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/498,789

Applicant(s)

Ramachandran et al.

Examiner

Cuong H. Nguyen

Art Unit

3625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Nov 15, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

### DETAILED ACTION

1. This Office Action is in response to the amendment received on 11/15/2002, which paper has been placed of record in the file.
2. Claims **1- 35** are pending in this application.

### ***Response:***

3.A. Applicants' arguments have been fully considered but they are not persuasive with cited prior art for "apparatus" claims 1-13, 18-35. Referring to pending method claims 14-17, extra documents are provided herein to confirm and to support the examiner's position that verifying identities/data of a user for financial transaction have been old and well-known. In pending claims "level of correlation" is claimed, but there is no different level of correlation to compare to in claims; therefore, the examiner considers it merely show a general outcome level of comparison.

3.B. The examiner submits that the terms using in the "apparatus" claims like "...is operative responsive to image input signals to resolve a first identity data..." or "...that is operative responsive to audio input signals from the voice of a user to resolve second identity data..." (e.g., biometric data) are functional terms that have less weight in apparatus claims; furthermore, these features are old and they are obvious applications in many fields for authentications.

3.C. The examiner submits that a method/apparatus for supporting a transaction by identifying and comparison audio data and fingerprints/images with stored user's data are already in the art (e.g., see **Health Data Management's** article titled "Database technology leaps forward"; this article suggests a comparison of previous stored data into database (audio recordings of a beating heart & video images of echocardiograms); although this application

is in a different field (i.e., health care), the examiner submits that a similar application like this one would be used in financial transaction fields for authentications. In **Lemelson** (US Pat. 4,991,205) about "Personal identification system and method"; wherein a personal identification system is used to automatically identify a physical characteristic and personal voice by comparison to stored data. Another Dialog® file 16, acc. No. 02745036 published on 3/1993 by **Linda Punch** of Credit Card Management, titled: "A high-tech arsenal against fraud" suggests the use of biometric data (finger prints and voice/retina patterns to verify identities as claimed as 1<sup>st</sup> and 2<sup>nd</sup> identity data) (see **Punch**, pg. 1, para.4, and pg.2, para.6-7). (These listed prior art identify that steps of obtaining data, receiving data, comparing identity data, and enabling "continuing" operation have been disclosed wherein said data were audio and physical/appearance/fingerprints data; see **Lemelson**, the abstract, claims 12-13, and 1:17-39). Above references show that different uses for identifications and comparisons have been used.

3.D. Applicants assert on page 4, para.3 (of the Remark dated on 11/15/2002) that "...where does either of these references disclose or suggest a data store including stored user data corresponding to a plurality of users?", the examiner submits that it is quite fundamental and obvious with cited prior art e.g., a server's memory (although this may not spelled-out exactly as in claims) (the applicant admits (on page 5, para.5) that "**Atkins** tests to see if input data from a user corresponds to data for the single **authorized user stored** in the terminal...", so there is obvious about storing data in some places. Pending independent "apparatus" claims do not distinguish over cited prior art by the use of claimed language (i.e., an apparatus claim should be considered based on components, structures, module .etc.). The applicants relied on functional data

in pending "apparatus" claims which is ineffective to define that structure over the prior art.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1 - 35** are rejected under 35 U.S.C. §103(a) as being unpatentable over Lipkin (US Pat. 5,592,377), in view of So (US Pat. 4,990,848), in view of Atkins (US Pat. 5,644,727), and further in view of the Official Notice.

A. **Lipkin** suggests a system/method comprising:

- A financial transaction machine/(an automated check cashing system)/method including an imaging device (i.e., for pending claims 2, 15)(see **Lipkin**, Fig.1, camera **28**/customer identification module **36**, a check identification and storage module **42**), an audio input/output (i.e., for pending claims 3, 15, 28) (see **Lipkin**, Fig.1, a handset **26**), and a transaction function device (see **Lipkin**, a cash dispenser **44**, a receipt dispenser **46** in Fig.1), whereby a user adjacent to the machine causes image input signals to be generated and the voice of the user causes audio input signals to be generated (i.e., for pending claim 15 - see **Lipkin**, Fig.1 ref.16, and the abstract).

- a processor, the processor being in operative connection with the imaging/(suppressed imaging) device (see **Lipkin**, CPU **116**), the audio/(suppressed audio) input device (i.e., for pending claim 30), and the transaction function device (see **Lipkin** Fig.1 refs. **26** (including a speaker (i.e., for pending claim 5) is quite obvious with one in the art for

controlling/suppressing volumes/audio signals (i.e., for pending claim 29), a video monitor **32** and a cash dispenser **44**), the processor also being in operative connection to a data store, wherein the data store includes data corresponding to a user, the user data including identity data (see **Lipkin**, 4:52-67) corresponding to the user, image data corresponding to an appearance feature of the user (i.e., for pending claim 17)(see also **Atkin**)(camera **28**/customer identification module **36**, a check identification and storage module **42**, and voice data corresponding to a voice feature of the user (see **So**, the abstract; and see **Lipkin**, 4:38-43, and claims 1-4, 9) (i.e., for pending limitations in claim 25);

- a display (i.e., for pending claim 4)(see **Lipkin** Fig.1 ref.30/32);

- a card reader (i.e., for pending claims 8, 26) including in the apparatus for manually actuating input device is quite obvious with Lipkin's disclosure (see **Lipkin** Fig.2 refs.76, 78; the examiner submits that when a customer inserts an ATM card into a card reader, the ATM machine manually actuating that ATM input device);

- an audio output, wherein the output device prompts a user through audio message (i.e., for pending claims 3,6, 22) (see **Lipkin** Fig.1 for an audio handset 26);

- a user data including account data, wherein the machine readable check/card includes account identifying data corresponding to an account associated with the user of the check/card, and wherein the check/card reader provides check/card input signals responsive to reading the check/card, and wherein the processor is operative to resolve the account of the user responsive to the account identifying data (i.e., for pending claim 9) (see **Lipkin** Figs. 2-3 refs. 68, 70, 156);

- a keypad for inputting a user's code then the processor will make a check (i.e., for pending claims 10, 27) (see **Lipkin** Fig.3 ref 148, it's old and well-known at an ATM to place a keypad at a customer station as a means for inputs);

- a currency dispenser (i.e., for pending claim 11) (see **Lipkin**, Fig.2 ref.44);

- a ticket dispenser (i.e., for pending claim 12) (see **Lipkin**, Fig.2 ref.46 for dispensing a receipt/statement);

**Lipkin** doesn't expressly disclose a processor couple to data storage can compare/identify user's data (audio & visual inputs) for a level of correlation to enable transaction function devices.

However, **Lipkin** teaches an operator is used for such task, and means are provided for enabling the operator to verify the identity of the customer/user (i.e., for pending claim 7) (see **Lipkin**, the abstract).

The examiner takes Official Notices here that this is an old & well-known feature in data comparison/identification, and structures for doing similar steps using audio/visual inputs that compare stored data with obtained data for authentications (e.g., US Pat.4,641,239 by Takesako, US Pat. 6,523,742 by Awatsu et al., US Pat. 6,014,649 by Kobayashi et al. etc.).

So (US Pat. 4,990,848) also teaches a receiver to recognize tones/voices (see **So**, the abstract, this voice recognition technology would be available/applicable to many identification fields, especially for financial applications); see also **Atkins** (Figs 14B, 14C) teaches similar identifications in transaction procedures that acquiring video prints and voiceprints (in another

word: image/audio appearances) to verify/compare obtained data to stored data for a level of correlation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to implement Atkins, So, and Official Notices (as above US Pat.'s suggestions) in an application of Lipkin in financial transaction because the combinations of So, Atkin, the Official Notices would accelerate toward a fully electronic means/application of identifying user. These indicated teachings offer numerous advantage to users of such financial transactions.

4.B. Regarding claims 18, 31, 32: They are apparatus claims having similar features to said claim 1; therefore, they are rejected on 35 USC 103(a) with similar rationales and references set forth.

4.C. Regarding claim 21: The references and rationales for 35 USC 103(a) rejection of claim 1 are incorporated.

Lipkin also discloses a keypad for input communications from a user to a financial transaction apparatus (see Lipkin, Fig.3 – ref.148).

4.D. Regarding claim 24: The references and rationales for 35 USC 103(a) rejection of claim 1 are incorporated.

Atkin also discloses a processor capable to select and storing feature data (see Atkin, Fig.2 – ref. 35).

4.E. Re. to claim 17: It is rejected under 35 U.S.C. §103(a) as being unpatentable over Lipkin (US Pat. 5,592,377), in view of So (US Pat. 4,990,848),



in view of Atkins (US Pat. 5,644,727), and further in view of Lemelson (US Pat. 4,471,343).

The references and rationales for 35 USC 103(a) rejection of claim 14 are incorporated.

It claim that the apparatus according to claim 14, further comprising:

- a sensing device wherein the sensing device enables sensing a user in proximity to the machine, and further prevent sensing functions (in proximity to the machine) to be ceased.

Lipkin , So, and Atkins do not expressly disclose the above limitation.

However, **Lemelson** (US Pat. 4,471,343) analogously suggests similar feature of ceasing a proximity sense function (see **Lemelson 7:62 to 8:14**), wherein a comparator becomes energized to enable or disable the operation of a control circuit, merely upon receipt of a signal from comparator to switch open and prevent a proximity detector from activating at the presence of a person by a proximity sensing detector.

The examiner submits that by programming operating software of an ATM machine, that machine can prevent ceasing operation of proximity sensing (written software to execute/activate an electronic circuit to turn ON/OFF function is fundamental to computer programmers).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to implement Lemelson and Atkins and So 's suggestions in a financial transaction application of Lipkin because the teaching apparatus/method of So & Atkin to accelerate a movement toward a fully electronic means of identifying user; these indicated teachings

(apparatus/method) offer numerous advantage to users of such financial transactions.

4.F. Re. to claim 33: It is rejected under 35 U.S.C. §103(a) as being unpatentable over Lipkin (US Pat. 5,592,377), in view of So (US Pat. 4,990,848), and further in view of Atkins (US Pat. 5,644,727).

It claim that the apparatus according to claim 30 and further comprising:

- a housing, wherein said housing includes a first side corresponding to a user side and a second side corresponding to a different user side, a sheet inlet opening in said different user side of the housing; a second sheet outlet opening in said user side of said housing.

The references and rationales for 35 USC 103(a) rejection of claim 30 are incorporated.

The examiner submits that it is old and well-known for an ATM machine structure to have:

- a housing, wherein that housing includes a first side corresponding to a user side and a second side corresponding to a different user side, a sheet inlet opening in said different user side of the housing (e.g., an ATM inlet for bank/merchant's putting cash into an ATM machine).
- a second sheet outlet opening in a user side of the housing (e.g., an outlet at a bank's ATM machine for customer's receiving an ATM transaction statement).

4.G. Re. to claim 34: It is rejected under 35 U.S.C. §103(a) as being unpatentable over Lipkin (US Pat. 5,592,377), in view of So (US Pat. 4,990,848), and further in view of Atkins (US Pat. 5,644,727).

It claim that the apparatus according to claim 33 and further comprising:

- **a housing** in supporting connection with the chest portion; a customer interface in supporting connection with the housing; and a merchant user interface in supporting connection with the housing.

The references and rationales for 35 USC 103(a) rejection of claim 33 are incorporated.

The examiner submits that it is old and well-known for **an ATM machine structure** to have:

- **a housing** in supporting connection with a chest portion;
- **a customer interface** in supporting connection with the housing (e.g., a customer's ATM card reader device); and **a merchant user interface** (e.g., a cash storage in an ATM machine) in supporting connection with the housing.

4.H. Re. to claim 35: It is rejected under 35 U.S.C. §103(a) as being unpatentable over Lipkin (US Pat. 5,592,377), in view of So (US Pat. 4,990,848), and further in view of Atkins (US Pat. 5,644,727).

It claim that the apparatus according to claim 34 wherein said housing comprises a sheet storage area.

The references and rationales for 35 USC 103(a) rejection of claim 34 are incorporated.

The examiner submits that it is old and well-known for an ATM machine structure to have a housing where transaction/paper forms are stored.

4.I. As per claims 13-14, 19: The references and rationales for rejections of claims 1/18 are incorporated herein. The examiner submits that Lipkin discloses an output device, a display, and a video data storage (see **Lipkin**, Figs.1,3 refs. 26/28/30/32/156), and it is well-known that an ATM with user data includes user preference data (e.g., an ATM user can select options: transfer money, account statements, cash withdrawal .etc.), and wherein the data store further includes product offering data, wherein the product offering data is representative of products available for purchase (e.g., ATM services), and wherein the processor is operative to select product offerings from the product offering data in the data store responsive to the user preference data corresponding to the user, and to operate the output device to provide outputs corresponding to the selected product offerings (e.g., transfer money, account statements, cash withdrawal .etc. at ATM machines).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to implement Atkins and So 's apparatus with Lipkin's invention in financial transaction because the teaching apparatus of So & Atkin to accelerate a movement toward a fully electronic means of identifying user would comprise an operation of that structure; these cited teachings apparatus offer to derive a method of use that apparatus in financial transactions.

4.K. As per claim 23: The rationales, and references for an obvious rejection of claims 18 are incorporated herein. The examiner submits that Lipkin discloses a monitoring device (see **Lipkin**, Fig.1, ref.28); it is well-known that this device has been used to sense a user in a proximity in order to electronically enable/disable a transaction machine (please see an application of "a security sensing device";

it senses any movement in a proximity space then activating other electronically circuits); therefore, a method with claimed steps analogously as pending claimed apparatus can be derived corresponding to an operation of a device that using knowledge's of Lipkin, So & Atkin.

4.L. Claim **16** is rejected under 35 U.S.C. §103(a) as being unpatentable over Lipkin (US Pat. 5,592,377), in view of So (US Pat. 4,990,848), Atkins (US Pat. 5,644,727), and further in view of Batson (US Pat. 5,844,327).

The rationales, and references for an obvious rejection of claim 15 are incorporated herein.

Lipkin, Atkins, and So do not expressly disclose that storage data include data profile acquisition routine.

However, **Batson** ('**327**) discloses that data may include a profile acquisition routine (see **Batson**, col.11 lines 45-49).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Batson's idea, in a financial transaction system made of Lipkin, So & Atkin inventions because this is about an efficient way of storing personal information in order to minimize retrieval time.

4.M. Re. to claim **20**: The rationales, and references for an obvious rejection of claim 18 are incorporated herein. The method is rejected under USC 103(a) because it is totally made-up from limitations of 4 rejected claims 7-10 wherein an apparatus is formed by operating a transaction apparatus of **Lipkin, So, & Atkin**.

### ***Conclusion***

5. Claims **1-35** are unpatentable.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Note: In re **Venner**, 262 F.2d 91, 120 USPQ 193, 194 (CCPQ 1958) the court held that providing an automatic means to replace a manual activity which accomplished the same result (i.e., replacing an operator for a comparator) is not sufficient to distinguish over the prior art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553. The examiner can normally be reached on Mon.-Fri. from 7:15 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins, can be reached on (703)308-1344.

Any response to this action should be mailed to:

Amendments

***Commissioner of Patents and Trademarks  
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or faxed to:

(703)305-7687 [Official communications; including  
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Hand delivered responses should be brought to Crystal Park 5, 2451  
Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

Any inquiry of a general nature or relating to the status of this application  
or proceeding should be directed to the Receptionist whose telephone number is  
(703)308-1113.

*Cuong Nguyen*  
Primary Examiner  
Jan. 24, 2003